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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR

USA Commercial Mortgage Company,

Chapter 11

Debtor.

**NOTICE OF HEARING RE
OMNIBUS OBJECTION OF THE
USACM TRUST TO PROOFS OF
CLAIM BASED UPON
INVESTMENT IN THE LAKE
HELEN PARTNERS LOAN**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.
Estimated Time for Hearing: 10 minutes

THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR CLAIM TO THE EXTENT YOUR CLAIM IS BASED UPON AN INVESTMENT IN THE LAKE HELLEN PARTNERS LOAN. THE USACM TRUST CONTENDS THAT YOU DO NOT HAVE A COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.



1 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
2 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**
3 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
4 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
5 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
6 **HINDERAKER (520-629-4430).**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
9 Investment in the Lake Helen Partners Loan (with Certificate of Service) (the
10 “Objection”). Your Proof of Claim number and other information regarding your claim is
11 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has
12 requested that this Court enter an order, pursuant to section 502 of title 11 of the United
13 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy
14 Procedure (the “Bankruptcy Rules”), disallowing your Proof of Claim to the extent it is
15 based upon an investment in the Lake Helen Partners Loan. The Objection will not impact
16 your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
19 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
20 September 30, 2011, at the hour of 9:30 a.m.

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
22 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
23 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
24 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
26 response to the objection must be filed and service must be completed no later than



1 fourteen (14) days preceding the hearing date. The opposition must set forth all relevant
 2 facts and any relevant legal authority.

3 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 4 pleading with the Court. You *must* also serve your written response on the person who
 5 sent you this notice.

6 If you do not file a written response with the Court, or if you do not serve your
 7 written response on the person who sent you this notice, then:

- 8 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 9 • The Court may *rule against you* and sustain the objection without formally
 10 calling the matter at the hearing.

11 Dated: August 8, 2011

12 LEWIS AND ROCA LLP

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 14 By s/John Hinderaker (AZ 18024)
 15 Robert M. Charles, Jr., NV 6593
 16 John Hinderaker, AZ 18024 (*pro hac vice*)
 17 Marvin Ruth, NV 10979
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 Las Vegas, Nevada 89169
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 Attorneys for the USACM Liquidating Trust

19 Copy of the foregoing and pertinent
 20 portion of Exhibits mailed by first
 21 class postage prepaid U.S. Mail on
 August 8, 2011 to all parties listed on
 Exhibit A attached.

22 LEWIS AND ROCA LLP

23 s/ Renee L. Creswell
 24 Renee L. Creswell